IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

WP(C).No. 34886 of 2007(C)

PETITIONER:

S.VIJAYARAJ, RAJ BHAVAN, MASSIVAYAL,
MARAYOOR-685620.(CASHEW DEVELOPMENT OFFICER,
KASARAGODE RTD.)

BY ADV. SRI.S.EASWARAN
SRI.SHINU J.PILLAI
SRI.P.MURALEEDHARAN (IRIMPANAM)

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY THE
PRINCIPAL SECRETARY, AGRICULTURE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF AGRICULTURE,
THIRUVANANTHAPURAM.

3. THE ACCOUNTANT GENERAL (A&E), KERALA,
THIRUVANANTHAPURAM.

BY GP SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO. 34886 2007

Dated this the 27th day of November, 2007

JUDGMENT

The petitioner retired from service on 30.4.2006. By Ext. P2 pension and DCRG has been sanctioned to him by the Accountant General. According to him, the DCRG and commuted value of pension is yet to be disbursed. Apparently, the objection is on account of the vigilance case which has been registered against the petitioner as VC.No.8/2004.

2. This court has held that in so far as DCRG due to a Government servant is concerned, it must, as far as possible, be has been forcefully disbursed within one year of his retirement. At any rate, it cannot be withheld beyond the period of three years. The liability, if any, should be determined within the said period of three years. Pendency of the vigilance case is not a reason to withhold the DCRG but the department at the same time is to compute the liability and issue a NLC/LC.

3. In the circumstances after hearing the learned Government Pleader also, the writ petition is disposed of in the

following terms:

4. The petitioner shall produce a certified copy of the judgment before the second respondent within two weeks from the date of receipt of a copy of this judgment. Thereupon the second respondent shall proceed to take appropriate steps for the issuance of NLC in favour of the petitioner as early as possible, at any rate, within two months from the date of receipt of a copy of this judgment It is made clear that the pendency of the vigilance investigation by itself shall not be treated as a reason to delay the issuance of NLC/LC in favour of the petitioner. The liability, if any, has to be independently determined and quantified. Subject to the NLC/LC issued, the DCRG and commuted value of pension due to the petitioner will be disbursed within one month thereafter.

V. GIRI, JUDGE.

pmn/